

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

**CITATION HOME BUILDERS, LLC, and
LARRY L. MILLER,**

Plaintiffs,

vs.

**LIBERTY MUTUAL INSURANCE
COMPANY, and PEERLESS INDEMNITY
INSURANCE COMPANY,**

Defendants.

8:21CV404

**FOURTH AMENDED
CASE PROGRESSION ORDER**

This matter is before the Court on the Defendant's Motion to Amend Third Amended Case Progression Order ([Filing No. 68](#)). After a review of the motion, the Court finds good cause to grant the requested extensions. Accordingly,

IT IS ORDERED that the Defendant's Motion to Amend Third Amended Case Progression Order ([Filing No. 68](#)) is granted, and the third amended case progression order is amended as follows:

- 1) The deadlines for identifying expert witnesses expected to testify at the trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), remain:

For the plaintiffs:	June 30, 2023
For the defendants:	September 1, 2023

- 2) The deadlines for completing expert disclosures for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiffs:	August 1, 2023
For the defendants:	November 1, 2023

- 3) The planning conference scheduled for November 1, 2023, is cancelled. The trial and pretrial conference will not be set at this time. A planning conference to discuss case progression, dispositive motions, the parties' interest in settlement, and the trial and pretrial conference settings will be held with the undersigned magistrate judge on **December 13, 2023**, at **11:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 4) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is **December 15, 2023**. The maximum number of depositions that may be taken by the plaintiffs as a group and the defendants as a group is **eight (8)**.

- 5) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **January 26, 2024**.
- 6) The deadline for filing motions to dismiss and motions for summary judgment is **January 26, 2024**.
- 7) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 8) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 9th day of August, 2023.

BY THE COURT:

s/Michael D. Nelson
United States Magistrate Judge